

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
August 5, 2014**

Members Present:

Diana Doutre
Lyle Holmgren
Jeff Reese
Bret Rohde
Byron Wood
Roger Fridal, Mayor
Shawn Warnke, City Manager
Darlene S. Hess, Recorder

CITY COUNCIL WORKSHOP

Mayor Fridal called the August 5, 2014 City Council Workshop to order at 6:00 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre (left at 7:05 p.m.), Holmgren, Reese, Rohde, and Wood (arrived at 6:02 p.m.), City Manager Shawn Warnke, Recorder Darlene S. Hess, Fire Chief Steve Batis, Public Works Director Paul Fulgham, Library Director Kim Griffiths, Police Chief David Nance. Other Staff Members in attendance: Debby Carter, Library.

1. Public Open Meeting Training – Manager Warnke

Manager Warnke stated that the annual Public Open Meeting Training is one of those State Laws that actually has a Declaration of Public Policy. Because this is a little unusual, the State Legislature wants to know the intent behind the act. The intent is that political subdivisions conduct their actions and business openly.

Public Bodies are any Body that is created by State statute, rule or ordinance and consist of two or more individuals. These Bodies are empowered to expend, and are supported in part by tax revenue. They are vested with making decisions about the public's business.

Examples of Public Bodies within Tremonton City include the City Council, Planning Commission, Land Use Authority Board, and the Main Street Mix Committee – anything that is connected to the City and is specifically supported by tax dollars.

Public Body meetings must be open unless properly closed and must have a descriptive agenda which is properly noticed. A chance meeting of members of a public body is not considered a meeting, but, that said, the chance meeting cannot be used to discuss business and make decisions.

Councilmember Rohde stated that where all the Councilmembers, for example, live in the same geographic area, there will be times when a quorum comes together socially or for religious reasons. He asked for confirmation that the rule is that there is nothing to prohibit that, and the Councilmembers just can't deliberate on public business and make decisions. Manager Warnke responded that if there is less than a quorum and public business is discussed, that would probably be fine, but if there is a quorum, then there should be no deliberation on public business and making of decisions on issues the Council had jurisdiction over. This also holds true for electronic communication. The State Law makes it clear that members of the Public Body shall not be restricted from transmitting electronic messages to other members of the Public Body at a time when the Public Body is not convening. E-mails can be sent to talk about issues, or to share information, but no actions can be taken.

The notice requirements are on the agenda: date, time, and place. The agenda needs to be posted at the City offices and also on the Utah Public Noticing website, and the press needs to be notified, as well. An Annual Meeting Notice is also required. When the agenda is created, the Staff tries to be specific enough that the public will know what is being discussed. Each topic needs to be on the agenda; however, if the public comes with a specific concern that is not on the agenda, they can be heard and the Council can discuss the concern, but no action can be taken on the concern by the Council until it is properly noticed on the Agenda.

Minutes must be recorded and the recording needs to contain the date, time, place of the meeting and the members present. When a member of the public is recognized by the Mayor and speaks, a summary of their comments needs to be included in the minutes.

A procedure for approving minutes has been established, as required by State Law. Once the minutes are approved, then they need to be posted on the City's website within three days. Before they are approved, they are still a public record and available for the public. The only difference is that they would be listed as unapproved (Draft) minutes. The retention period for minutes is Permanent. The recordings of minutes must also be available to the public. The official record of the meeting is the minutes, once approved.

State rules allow for electronic meetings so, if a Councilmember is unavailable for a meeting but still wants to participate, that can be accomplished electronically. Tremonton City has adopted an Ordinance which allows that to happen.

Meetings must be noticed twenty-four hours in advance, but the State Law recognizes that there are times when twenty-four hour notice is not practical. In those cases, an Emergency Meeting can be called, but it is required that the best notice possible be given in those instances. There must be an attempt to notify all members of the Public Body along with the press.

The State Law also recognizes that there are times when it is appropriate to discuss certain items in a closed session: criminal conduct, sale or exchange of real property, an

individual's character, and a few other exceptions. Going into a closed session requires a two-thirds vote. The exception for going into closed session is listed as part of the agenda. Once the Council is in closed session, the reason why the closed session is allowed should be stated.

Intentional violation of the Open Meetings Act is a Class B Misdemeanor.

2. Review of agenda items on the 7:00 P.M. Meeting:

The Council reviewed the August 5, 2014 Agenda with the following items being discussed in more detail:

Minutes – Councilmember Holmgren pointed out that on pages 2 and 11, Agenda Item 8.a., the trees to be taken out on Main Street were described as pine trees, but they are spruce trees.

Request for certified fireworks operators to set off private fireworks – Chief Batis explained that there haven't been a lot of requests for private fireworks, but in the last month there were requests to shoot them off at a funeral and at a wedding. State Law specifies a window of so many days when fireworks can be set-off, but the City can pass an Ordinance that says that special fireworks can be done, but they must be set-off by a certified fireworks operator. If the City is going to allow special fireworks events, the City needs to set an ordinance to be approved by the City Council.

The fireworks for the wedding could likely be set-off at the Fairgrounds. When Councilmember Wood asked whether Chief Batis thought private fireworks would be a good idea, Chief Batis replied that he didn't think it would be a big deal. The Fire Department would be the best ones to do it safely. A fee would be charged for setting-off fireworks and it would be based upon the going rate for this service. It has been some time since Tremonton Fire Department has done special event fireworks so Chief Batis doesn't know what the new rate would be.

Councilmember Holmgren asked if the fireworks were to be set-off at the Fairgrounds, being County property, whether that would involve the County in some way. Chief Batis commented that the actual location to set-off the fireworks hasn't been determined.

Councilmember Doutre expressed concern because of a fire that occurred in North Salt Lake recently and the fear that a grass fire could be started that would be the City's liability. Chief Batis responded that the Fire Department could take care of any small fires that might occur while the fireworks are going.

Manager Warnke commented that there isn't a public hearing required for private fireworks or adopting of an Ordinance.

Chief Batis told the Council that the wedding will be August 14th, 2014 and the other requested event for fireworks will be August 24th, the Sunday after the Fair.

May Warrant Register – Councilmember Rohde said that he wasn't aware the RDA was still giving tax increment monies to MOM Brands. Manager Warnke explained that there were two Reimbursement Agreements with MOM Brands. Now there is only one agreement that remains which is for reimbursement for wastewater treatment capacity and continues until 2016.

Councilmember Wood said that he has a question on Duraedge Utah, Inc. in the amount of \$25,860. He doesn't recognize that payee. Manager Warnke said that he thinks that is related to the baseball field improvements at North Park. Councilmember Wood also asked about a payment to David Deakin in the amount of \$7,960.49. Manager Warnke said that payment is probably for the rebate on a building permit that was never issued.

Resolution No. 14-39 amending the Fee and Fine Schedule – Manager Warnke explained that these amendments involve the Court. It provides a more comprehensive and consolidated bail schedule for violation of the City Ordinance. Court Clerk Wendi Stickney went through the City Code and identified certain violations and created a table which shows the fines associated with those codes. The table also references the related City Ordinance number. Thereafter Judge Christensen and City Attorney Ericson determined an appropriate fine amount and severity of the offense.

Councilmember Doutre commented that if the City identifies fees and fines, they need to be enforced. Manager Warnke stated that there is some discretion. An officer can decide whether to issue a citation or give someone a warning. The City's ultimate goal is compliance with municipal ordinances. Speeding fines are defined under State Code.

Resolution No. 14-40 appointing representatives to the Utah League of Cities and Towns' (ULCT) Legislative Policy Committee (LPC). Mayor Fridal asked if any of the Councilmembers would like to volunteer to serve on the ULCT Legislative Policy Committee. Tremonton can have up to three representatives. Manager Warnke informed the Council that it would require attendance at meetings. During the State legislative session, the LPC meets each Monday on Capitol Hill for lunch. During the offseason of the State Legislative Session, the LPC meets as part of the two ULCT Conferences (April and September). Otherwise the LPC meets monthly typically in the Salt Lake Area. It was noted that Legislative Support is one of Councilmember Wood's assignments. Manager Warnke commented that this is not a requirement, but it is the City's opportunity to become engaged in the State legislative process. This is the committee that will allow Tremonton to have more of a voice. The representative does not have to be a City Council Member. Some cities assign a Staff member.

Councilmember Wood said he wouldn't mind doing it if it could be done methodically – concentrating on legislation the City is really concerned about. Councilmember Rohde also expressed interest if it wasn't necessary to do a lot of driving.

Manager Warnke told the Council that the Resolution is written in such a way that the Council can choose one of two options as the process for appointing representatives to serve on the LPC. One process would be to have the City Council designate certain positions to serve on the LPC, i.e., the Mayor, the Mayor Pro Tempore, and the City Councilmember assigned to “Legislative Support.” The other option would be to annually appoint a Councilmember who has interest in participating on that committee.

Resolution No. 14-41 – Professional Services Agreement with Aqua Engineering – Director Fulgham explained that the creation of a Capital Facilities Plan, Impact Fee Facilities Plan, and Impact Fee Analysis for the Wastewater Treatment Plant has been in the works since January. Aqua Engineering will subcontract with Zions Bank to do the Impact Fee Analysis portion of it.

Mayor Fridal commented about the meeting with Garland recently. Director Fulgham pointed out that the new draft agreement between Tremonton and Garland states that Garland will be charged on flow (a rate per 1,000 gallons). Manager Warnke has indicated that Garland is fairly happy with the new draft agreement, and is wanting to know what the rate will be for the flow. Councilmember Wood stated that, when spring comes, due to the infiltration, Garland’s monthly payments will go sky high. Director Fulgham said that Garland’s monthly payments will start going down as irrigation starts tapering off. That was pointed out to Garland and they still were in favor of paying based upon a rate per 1,000 gallons. It will give them an incentive to fix the infiltration problems.

Councilmember Holmgren stated that, originally, Garland wanted Tremonton to give them a wholesale rate on the Wastewater Treatment Plant.

Resolution No. 14-42 – renewal of the MOM Brands Wastewater Pretreatment Agreement – Director Fulgham informed the Council that MOM Brands doesn’t want the term “Violation” used in the agreement. That is the term that has been used when they seek their permit. MOM Brands approached Director Fulgham to see what could be done about changing the terminology. They have always been great to work with and they have very few violations. Those violations might run from \$5 per month to the highest ever recorded of \$600 per month. Director Fulgham changed the “Violation” terminology in the Agreement to “High Strength Surcharge.” It really isn’t an issue. Revenues won’t change. It just makes things sound better. They will still be charged for anything above the City’s residential strength, but to get the “High Strength Surcharge”.

Director Fulgham noted that last year West Liberty Foods received an award for not sending any waste to the landfill because Tremonton takes their solids and compost it. This is a big deal for these corporations and they receive incentives and recognition for being environmentally friendly.

The City is almost one-and-a-half years into the old Agreement with MOM Brands. Instead of amending that agreement, it will be replaced with a new three year agreement.

Letter to Garland City to terminate agreement – Manager Warnke explained that if the City does not give notice of its intent to terminate the current *Amended and Restated Interlocal Compact Agreement* with Garland City, it will automatically renew on June 1, 2015. The two cities are working towards a new agreement.

One of the Councilmembers stated that he has been on the City Council for a long time and Garland has not contributed to the expenses of keeping the Wastewater Treatment Plant upgraded. Director Fulgham stated that Tremonton did receive some of Garland's Impact Fees. Prior to that, the Tremonton City Council forgave Garland's share of the expenses for the 2003 expansion.

Director Fulgham said that the big delay in coming to a new agreement is how Garland is billed per 1,000 gallon unit. It means that another meter needs to be installed out from the old Holmgren homestead. The meter that was there has been gone for thirty years.

Manager Warnke explained that condition of the new agreement states that Garland's Pre-Treatment Industry would have an agreement with Tremonton City and Garland would help Tremonton enforce the agreement with Pre-Treatment Industries. If payment is not made, Garland would shut off the water for the Pre-Treatment Industries in their City limits. Tremonton has always held the position that they own the Wastewater Treatment Plant. Director Fulgham told the Council that Tremonton holds the Federal Permit, and whenever it was necessary to bond for improvements, Tremonton has always held all of the liability - all the cost of the bond and the re-payment of it.

3. Discussion of potential urban designers & graphic artists to assist the City with revising and implementing the City's logo, gateway, and facility signage, etc.

Due to time restraints, this item was not discussed during the Workshop.

Councilmember Rohde left at 6:50 and returned at 6:53.

The meeting adjourned at 7:04 p.m. by consensus of the Council.

Councilmember Doutre left at 7:05 p.m.

CITY COUNCIL MEETING

Mayor Fridal called the August 5, 2014 City Council Meeting to order at 7:06 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Holmgren, Reese, Rohde, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Fire Chief Steve Batis, Recreation Director Marc Christensen, Public Works Director Paul Fulgham, Library Director Kim Griffiths, Police Chief David Nance. Other Staff Members in attendance: Debby

Carter, Library. Councilmember Doutre was excused.

1. Opening Ceremony:

Mayor Fridal informed the audience that he had received no written or oral request to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the lobby for this portion of the meeting. The prayer was offered by Councilmember Holmgren and the Pledge of Allegiance was led by Manager Warnke.

2. Introduction of guests:

Mayor Fridal welcomed all those in attendance.

3. Approval of Agenda:

Motion by Councilmember Reese to approve the agenda August 5, 2014. Motion seconded by Councilmember Rohde. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

4. Approval of minutes – July 15, 2014:

Motion by Councilmember Holmgren to approve the minutes of July 15, 2014 changing references to “pine” trees to “spruce” trees on pages 2 and 11. Motion seconded by Councilmember Reese. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

5. Public comments: Comments limited to three minutes:

Tom Austin said that he would like to hold a special event that would include a fireworks display. He contacted the Fire Marshall and was informed that in order to host a fireworks display outside of the State Law, first, a permit must be obtained from the City, and second, the fireworks must be set-off by licensed fireworks display operators. Mr. Austin contacted Chief Batis and explained what he would like to do and was told that the City has no Ordinance that covers fireworks for special events.

Mr. Austin feels that once a permit is issued, licensed fireworks display operators come to the fireworks location to give clearance as far as being safe and free of public fire hazards, and the licensed fireworks operators are specifically involved in setting off the display, he doesn't see why a special events fireworks display couldn't be held.

Chief Batis had told Mr. Austin that within the last thirty days he has had three specific requests from people wanting to do fireworks for special events. Mr. Austin thinks this is

something the City could make revenue on, and that as long as the criteria is met, there shouldn't be any fire hazard. If the Council does not allow this, it will mean that he will have to find another location that does allow special event fireworks, or not hold it at all.

Councilmember Reese asked if a special event firework display were to be held outside of the City limits, if the Tremonton City Council would be able to approve that. Manager Warnke responded that such an event would have to be held within the Tremonton City limits if Tremonton City is involved in the approval process, which this particular proposed event happens to be.

Mayor Fridal explained that the Council cannot act on this request tonight because it was not on the Agenda. It will have to be put on the Agenda for the August 19th meeting.

6. Reports by Staff:

- a. Report on an online e-learning, job coaching program funded through an LSTA Grant and request free library card for those that participate in the program – Librarian Kim Griffiths

Librarian Griffiths introduced Debby Carter. She was the instigator and put the grant together for Brainfuse.

Ms. Carter explained that Brainfuse is an online e-learning program. All of their tutors are certified and they begin the testing so that they can set parameters for the best way to help kids. Brainfuse helps students with many skills including reading, writing, and even test preparation. It is a program that will greatly benefit the Tremonton community. Those who have used this program have shown a 39% overall increase in ACT scores.

All of the local schools have agreed that they will refer students to the Tremonton Library. Many of the students who go to these schools live outside of the Tremonton area, and currently don't have Tremonton City library cards. The Library is asking if the City will approve allowing each of those individuals who participates in the Brainfuse program to have a free library card. Under that contract, they would have to sign acknowledging that they will only have access to the Library for the one year term of the Brainfuse contract. After that one year term, they would have to pay the non-resident fee to get a library card. Also, under the contract, they would be required to be participating in the Brainfuse program, either under the "Jobs Now" portion, the on-line tutoring program, or one of the other portions that are within the Brainfuse program itself, to retain their free non-resident card.

This is a very valuable program and it can increase learning/earning potential throughout our community.

Mayor Fridal asked how much non-resident library cards are, and Ms. Carter responded that the cost is \$20 per year per person.

Councilmember Holmgren asked if Ms. Carter anticipated that this program will increase the number of people who will participate in the Library. Ms. Carter replied that she think it will. Anytime the Library has a new program, there is an influx of people that want library cards. She feels that even after people stop using Brainfuse, they are going to want to continue using the Library. One of the nice aspects of this program is that it works hand-in-hand with the dual emersion program: English as a Second Language. It will help students learn English, as well. It is not just a tutoring program.

Director Warnke commented that, if the Council is inclined to grant free library cards to people who live outside of Tremonton, but participate in the Brainfuse program, the Council may consider this under agenda item 7.c. because, in the Fee Schedule, it talks about non-resident library cards.

- b. Report and request for Tremonton City Fire Department's certified fireworks operators to set-off fireworks as requested by individuals/businesses

Mayor Fridal asked Chief Batis if he had anything additional to add that wasn't discussed in the Workshop. He did not. There were no further questions from the Council.

Library Director Kim Griffiths and Debby Carter left the meeting at 7:24 p.m.

7. New Council Business:

- a. Discussion and consideration of approving the May 2014 Warrant Register.

Motion by Councilmember Wood to approve the May 2014 Warrant Register. Motion seconded by Councilmember Holmgren. Vote: Councilmember Holmgren - aye, Councilmember Reese -aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- b. Discussion and consideration of approving the May 2014 Financial Statement.

Motion by Councilmember Reese to approve the May 2014 Financial Statement. Motion seconded by Councilmember Wood. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- c. Discussion and consideration of adopting Resolution No. 14-39 repealing Resolution No. 14-27 reaffirming, amending and enacting new fees and fines in a

schedule entitled Tremonton City Consolidated Fees and Fines Schedule and provision of the collection of the fees

Councilmember Holmgren commented that, with this Resolution, people who live outside of the Tremonton City limits will be able to receive a library card at no charge if they participate in the Brainfuse program.

Motion by Councilmember Holmgren to adopt Resolution No. 14-39 repealing Resolution No. 14-37 with the addition of taking away the cost of the library card for those who participate in the Brainfuse program. Motion seconded by Councilmember Wood. Roll Call Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved

- d. Discussion and consideration of adopting Resolution No. 14-40 creating the appointment process and allowing the Mayor to appoint Tremonton City representatives to serve on the Utah League of Cities and Towns' Legislative Policy Committee with the City Council's advice and consent

Motion by Councilmember Reese to adopt Resolution No. 14-40 going with Option 1, which states that the Mayor can appoint anyone to the LPC Committee. Motion seconded by Councilmember Holmgren. Roll Call Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- e. Discussion and consideration of adopting Resolution No. 14-41 approving a Professional Services Agreement between Tremonton City and Aqua Engineering, Inc. for the creation of a Capital Facilities Plan, Impact Fee Facilities Plan and Impact Fee Analysis for the Wastewater Treatment Plant

Director Fulgham stated that this is a professional agreement similar to what was done with the Impact Fees for the other facility. Aqua Engineering will do the Capital Facilities Plan and Impact Fee Analysis for the Wastewater Treatment Facility. They will look at a six to ten year window to see what can be done to upgrade the plant. The Impact Fee Analysis portion will be performed by Zions Bank. New State Law requires that a financial professional do the Impact Fee Analysis

This will be a key part as Tremonton looks at adjusting the wastewater treatment rates for the agreement with Garland City. It will help to better set the rates for the future and to build Capital Reserves and plant growth.

Councilmember Rohde asked how much the cost of this Professional Services Agreement will be. Director Fulgham responded that the cost estimate is \$26,790. The Council has appropriated \$27,000 for this purpose through the

budget process.

Motion by Councilmember Holmgren to adopt Resolution No. 14-41 to have Aqua Engineering do this Professional Service Agreement for the Wastewater Treatment Facility. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- f. Discussion and consideration of adopting Resolution No. 14-42 approving the updating and renewal of the MOM Brands Wastewater Pretreatment Agreement from June 2013

Director Fulgham stated that anything above the permit amount for MOM Brands is considered a violation under the current agreement. In the past eleven years there have been very few violations ranging from \$5 to \$600 a month, with the average being \$50 once or twice a year. The new agreement will change the terminology from “violation” to “high strength surcharge fee”. The strength would be combined with BOD (Biochemical Oxygen Demand) and TSS (Total Suspended Solids). MOM Brands would be charged a fee when in excess of 80% of the combined total for strength load. MOM Brands is willing to pay fees for going over the combined total but would like the term violation removed from the agreement. The revenue coming to the City would not change and would satisfy MOM Brands. The new agreement would take affect September 1, 2014.

Motion by Councilmember Rohde to adopt Resolution No. 14-42 as stated in the agenda. Motion seconded by Councilmember Wood. Roll Call Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- g. Discussion and consideration of adopting Ordinance No. 14-11 amending Title 1 General Provisions of the Revised Ordinances of Tremonton City and authorizing the City Staff to make amendments to other Titles of the Revised Ordinances that contain fine amounts for violating City ordinances

Manager Warnke explained that City Attorney Dustin Ericson looked at Title 1 regarding fines of City ordinances and how they would be prosecuted. It has been proposed that the wording be such that it leaves the City free of conflicts from other sections. Specifically, if this Ordinance is approved it will allow City staff to go through the Revised Ordinance book and eliminate any reference to fine amounts and add a reference to the City’s current fee resolution.

Motion by Councilmember Reese to adopt Ordinance No. 14-11. Motion seconded by Councilmember Rohde. Roll Call Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- h. Discussion and consideration on awarding a bid for a new or used Front End Loader – Director Paul Fulgham

Director Fulgham explained that the new rules for diesel engines affected the pricing on used equipment. When the RFB's (Request for Bids) came in the used equipment were almost as much as the new equipment. The budget included \$65K for a used front end loader; however, the least expensive RFB was for a used Case at \$87,950 with 2,600 hours. The City's current Front End Loader does not have that many hours and was purchased for \$65K eleven years ago with only 350 hours.

Honnen Equipment has a new John Deere for lease (not to buy) for \$11,603 a year for five years. At the end of the five years, the City could then purchase the equipment for the remaining balance, continue leasing the same piece of equipment, or upgrade to a new piece of equipment with a new lease. Director Fulgham would like to upgrade to a new front end loader at the end of the lease so the City won't have to spend money for repairs as it ages.

Councilmember Holmgren asked what the City would do with the current front end loader. Director Fulgham noted that it currently has transmission problems but would like to fix it and continue using it. It would be good to have a spare in case the City gets close to the 1,000 hours that are allotted for the lease on the new front end loader. The old front end loader would be kept at the Public Works plant and be used to load gravel, etc.

Councilmember Rohde asked if leasing would be the best option. Director Fulgham explained that trucks can run longer but front end loaders have so many mechanical pieces that wear out it that it would be better to do a lease. Currently the City purchases a new Backhoe every two years. At the end of the two years, the City pays approximately \$10K for the new Backhoe (essentially for two years of use). There are so many moving joints that equipment like this starts to wear out and break down. It is cost effective to replace the equipment every two years. Mayor Fridal said it costs the City about the same amount to have the new Backhoes as it would to pay for repairs on older Backhoes.

Councilmember Wood asked what the buyout price was at the end of the five year lease for the front end loader. Director Fulgham stated that the buyout was \$90K. The price to purchase a new front end loader is \$125K. Councilmember Rohde asked about depreciation. Director Fulgham said that equipment is usually set up on a ten year depreciation schedule. The City's depreciation schedule sets money aside to help with the purchase of new equipment. If a new front end loader were purchased for \$125K, the City would then set aside \$12K a year in the compost fund for the depreciation schedule.

Councilmember Holmgren said that the City would either pay \$11K for a lease or \$12K for depreciation. Councilmember Wood noted that he is not usually in favor of a lease, but if the equipment is going to wear out in the five years it makes sense to lease the equipment. Director Fulgham expressed that the City has put a lot of money into the front end loader even without the cost associated with the transmission.

Motion by Councilmember Holmgren to award the bid to Honnen Equipment for a lease of a John Deere 544K Loader for \$11,603. Councilmember Rohde asked if the City has any other John Deere equipment and Director Fulgham stated there is a mini excavator. Councilmember Rohde expressed concern that it might be hard for Public Works employees to learn the controls for different brands of equipment as they are handled differently. Director Fulgham commented that front end loaders have an articulating body and would not be hard for the employees to use. Backhoes have different controls between Case and John Deere. Motion seconded by Councilmember Wood. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved. Director Fulgham informed the Council that local dealers were approached first but was informed that they don't usually deal with the state contracts so Honnen Equipment was contacted.

- i. Discussion and consideration on awarding a bid for a new 10-Wheel Dump Truck with a 15 foot Dump Bed and 15 foot Snow Plow – Director Paul Fulgham

Director Fulgham stated that the truck bid came in around the \$130K included in budget; however, the plow cost an additional \$15K. It was proposed to use some of the money that was budgeted for the front end loader to purchase the truck. The low bid was Rush Truck for an International truck and would include a viking size equipment for the plow. A sander would cost the City an additional \$40K. The City currently has three other trucks with sanders and would not need a sander on the new truck. The new truck would not be replacing another vehicle it would be adding to the fleet. Director Fulgham recommended the Council consider the International truck from Rush Truck for \$151,097.96. It is 10 Wheel Dump Truck with a fifteen foot bed and a fifteen foot plow.

Motion by Councilmember Reese to award the bid for the 10 Wheel Dump Truck to Rush Truck Center for \$151,097.96. Motion seconded by Councilmember Holmgren. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved. Director Fulgham thanked the Council.

- j. Discussion and consideration of sending a letter to Garland City that formally gives notice of Tremonton City's intent to terminate the agreement entitled *Amended and Restated Interlocal Compact Agreement* for the sole purpose that

the said agreement does not automatically renew on June 1, 2015 for an additional two year period

Councilmember Holmgren wanted it noted that when the Agreement terminates it does not mean that service will be terminated.

Motion by Councilmember Holmgren to send a letter to Garland City that formally gives notice of Tremonton City's intent to terminate the agreement.

Motion seconded by Councilmember Reese. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

8. Comments:

a. Administration/City Manager Advice and Consent.

- 1) Continuation of any discussion or presentation not completed from the 6:00 p.m. City Council Workshop agenda

Manager Warnke informed the Council that the City has \$20K that can be used towards Main Street Planning. The Council has discussed in the past the need for new billboards coming into town and for a new logo for the City. The City Council expressed some desire to utilize local talent to help create a logo. Gateway signage needs to change but there has not been a definite timeframe at this time. Mr. Jason Nessen was asked to sketch a few ideas for a City's logo. Manager Warnke thought Tremonton was the gateway to two tremendous events regarding transportation: Golden Spike and the manufacture of rocket motors. Mr. Eli Anderson has a premier collection of horse drawn wagons and Tremonton is located at a junction of the crossroads of the Northwest. Tremonton is connected with several different kinds of transportation.

Manager Warnke still felt there would be value in working with someone specifically in marketing and branding in creating logo. Councilmember Rohde liked the drawing by Mr. Nessen. It was busy but really captured the transportation idea. Councilmember Holmgren mentioned another local artist to consider for the logo artwork. Manager Warnke told Mr. Nessen that he would be paid \$20 a logo for concepts. Councilmember Holmgren proposed that local artists come up with concepts and then turn them over to someone to finalize.

Manager Warnke stated that the logo needs to resonate with the residents. A branding process does not guarantee this but it does provide the research to help produce a logo that will be long lasting. Mayor Fridal attended a BRAG meeting and learned that the number one thing ten successful cities

have done was to brand themselves. Eight of the cities felt that branding helped make their cities a success. Mayor Fridal would like the Council to look at the branding process more. Manager Warnke also believes it is significant and there is money available to use with grant funds at this time.

Manager Warnke has contacted Stanley Consultants to help with the gateway signage and would like to know if the Council wishes to consider them. The Council can determine how much Stanley Consultants do. Councilmember Holmgren asked if the information from SDAT could be utilized for the logo. Manager Warnke confirmed that SDAT provided the City with some research but that wasn't the main focus. There are other companies the City could use like Red or Brett Palmer or BWP Communications. Red could do a logo for around \$7K with no research, and the same could be done with BWP.

Manager Warnke stated that the grant money awarded to the City needs to be used by January 2015. There is about \$16K left in the CIB funds and the City received a grant for \$3K from EDC Utah specifically for a logo. The CIB funds can be used for a variety of Main Street Planning issues including transportation, billboards, entryway signage, and marketing.

Councilmember Rohde explained that the Council is waiting to see what will happen with UTOPIA before moving forward with branding and a logo. Manager Warnke commented that the City could look at using the enterprise funds. Councilmember Rohde stated that if the City continues with UTOPIA it should be included as part of the branding and logo. Councilmember Holmgren stated that it might be worth looking into using the \$20K to make the logo and brand more professional.

Mayor Fridal expressed a desire to wait four to six weeks before making a decision about branding and a logo. Branding and a logo are extremely important but the consensus is that the Council would like to wait to make a decision until there is more information about UTOPIA.

The Council directed Manager Warnke to continue getting concepts from Councilmember Holmgren's contact and drawings from Mr. Nessen. Councilmember Rohde would like to see data highway included in the concepts along with the other types of transportation that were discussed.

2) Updates on creating an MOU with Box Elder County for the use of the fairgrounds

Manager Warnke reported that the Commissioners had a few concerns with the MOU: 1) the term to be less than the proposed ten years, closer

to a year or two, and 2) the \$15 an hour for Tremonton City to use the building. The Council supposed the terms were acceptable as they were reviewed with the County before the land was donated. The Councilmembers will approach the County to discuss the terms.

Director Christensen stated that the flooring is not installed yet as contractors are busy doing school floors at this time. The flooring will be started at the conclusion of the fair.

b. Council Reports:

Mayor Fridal noted that the mural on the side of the museum is wonderful but cannot be seen from the street as the trees block the view. It is something for the Council to consider. It was observed that some of the trees have disease and might need to come out. Councilmember Reese likes having the trees on Main Street. Tremonton is a Tree City, but several trees have been cut on the East side of Main Street. Councilmember Holmgren stated that the Tree Board could meet and discuss trees that would work better under the power lines and not be an interference. The trees on Main Street could also be replaced with trees that would fit better than the old trees when they need to be replaced.

Councilmember Rohde has noticed people slipping on the splash pad. The Council needs to address the issue before someone is hurt. Director Fulgham noted that algae is not present and the surface is not slippery. Councilmember Reese said that the surface is rougher than the splash pad in Providence and they don't have this problem. Director Christensen noted that the water is set to shut off at 9:00 p.m. and was reset today to shut off at 8:30 p.m. The neighbors told Councilmember Rohde that youth have been at the park in the middle of the night playing in the water. Director Christensen will check the water tonight and verify that it is shut off at 8:30 p.m. The neighbors should call the police if youth are playing in the splash pad at night. There is a specialty paint for splash pads that contains rubber to help with slipping. The quote Director Christensen received was for \$5K and comes in several colors that could be painted in a fun design or pattern.

Motion by Councilmember Reese to move to Closed Session for the purpose of discussing the character, professional competence or physical or mental health of an individual, and the pending or reasonably imminent litigation. Motion seconded by Councilmember Wood. Roll Call Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde – aye, and Councilmember Wood - aye. Motion approved.

b. The Council moved into closed session at 8:34 p.m.

9. **Closed sessions:**

- a. ***To discuss the character, professional competence or physical or mental health of an individual***
- b. ***Strategy to discuss pending or reasonably imminent litigation***

Mayor Fridal signed a statement in the meeting stating that the sole purpose of the closed session was to discuss the character, professional competence or physical or mental health of an individual. No ordinance, resolution, rule, regulation, contract or appointment was made during the closed session.

Motion by Councilmember Reese to return to open meeting. Motion seconded by Councilmember Wood. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

The Council returned to open session at 9:02 p.m.

10. Adjournment.

Motion by Councilmember Rohde to adjourn the meeting. Motion seconded by Councilmember Holmgren. Roll Call Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

The meeting adjourned at 9:03 p.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes for the City Council Meeting held on the above referenced date. Minutes were prepared by Norene Rawlings and Cynthia Nelson.

Dated this _____ day of _____, 2014.

Darlene S. Hess, Recorder